"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई, दिनांक 30-05-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 590] रायपुर, बुधवार, दिनांक 12 नवम्बर 2014— कार्तिक 21, शक 1936

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

रायपुर, दिनांक 12 नवम्बर 2014

क्रमांक 9613/डी. 172/21- अ/प्रा./छ.ग./14.— भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र क्रमांक No. 2 (15)/ 14-Leg. I/14, दिनांक 22-10-2014 एवं No. 2 (15)/ 13-Leg. I/13, नई दिल्ली, दिनांक 27-10-2014 के अनुसरण में दि कोल माइंस (स्पेशल प्रोविजन्स) आर्डिनेंस, 2014 (क्रमांक 5 सन् 2014) एवं दि टेक्सटाइल अंडरटेकिंग्स (नेशनालाइजेशन) लॉज (अमेंडमेंट एंड वैलिडेशन) आर्डिनेंस, 2014 (क्रमांक 6 सन् 2014) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 21st October, 2014/Asvina 29, 1936 (Saka)

THE COAL MINES (SPECIAL PROVISIONS) ORDINANCE, 2014

No. 5 OF 2014

Promulgated by the President in the Sixty-fifth Year of the Republic of India.

An Ordinance to provide for allocation of coal mines and vesting of the right, title and interest in and over the land and mine infrastructure together with mining leases to successful bidders and allottees with a view to ensure continuity in coal mining operations and production of coal, and for promoting optimum utilisation of coal resources consistent with the requirement of the country in national interest and for matters connected therewith or incidental thereto;

WHEREAS the Supreme Court of India *vide* judgment dated 25th August, 2014 read with its order dated 24th September, 2014 has cancelled the allocation of coal blocks and issued directions with regard to such coal blocks and the Central Government in pursuance of the said directions has to take immediate action to implement the said order;

AND WHEREAS it is expedient in public interest for the Central Government to take immediate action to allocate coal mines to successful bidders and allottees keeping in view the energy security of the country and to minimise any impact on core sectors such as steel, cement and power utilities, which are vital for the development of the nation;

AND WHEREAS the Central Government considers it necessary to prescribe the conditions to rationalise the coal sector for mining operations, consumption and sale having

regard to the coordinated and scientific development and utilisation of coal resources consistent with the growing requirement of the country;

AND WHEREAS Parliament is competent to legislate under entry 54 of List I of the Seventh Schedule to the Constitution for regulation of mines and mineral development to the extent to which such regulation and development under the control of Union is declared by Parliament by law to be expedient in the public interest;

AND WHEREAS a Bill further to amend the Coal Mines (Nationalisation) Act, 1973 has been introduced and pending in the Council of States; 26 of 1973.

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (*1*) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Ordinance may be called the Coal Mines (Special Provisions) Ordinance, 2014.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Declaration as to expediency of Union action.

2. It is hereby declared that it is expedient in the public interest that Union should take action for the development of Schedule I coal mines and extraction of coal on continuous basis for optimum utilisation.

Definitions.

3. (*1*) In this Ordinance, unless the context otherwise requires,—

(*a*) "additional levy" shall mean, the additional levy as determined by the Supreme Court in Writ Petition (Criminal) No. 120 of 2012 as two hundred and ninety-five rupees per metric tonne of coal extracted;

(*b*) "allotment order" means the allotment order issued under section 5;

(*c*) "appointed date" in relation to—

(*i*) Schedule I coal mines excluding Schedule II coal mines, shall be the 24th day of September, 2014 being the date on which the allocation of coal blocks to prior allottees stood cancelled; and

(*ii*) Schedule II coal mines shall be the 1st day of April, 2015 being the date on which the allocation of coal blocks to prior allottees shall stand cancelled,

in pursuance of the order of the Supreme Court dated the 24th September, 2014 passed in Writ Petition (Criminal) No. 120 of 2012;

(*d*) "bank" shall have the same meaning as assigned to it in clause (*c*) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; 54 of 2002.

(*e*) "coal mining operations" means any operation undertaken for the purpose of winning coal;

(*f*) "company" shall have the same meaning as assigned to it in clause (*20*) of section 2 of the Companies Act, 2013; 18 of 2013.

(*g*) "corporation" shall have the same meaning as assigned to it in clause (*11*) of section 2 of the Companies Act, 2013;

(*h*) "financial institution" shall have the same meaning as assigned to it in clause (m) of section 2 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;

(*i*) "government company" shall have the same meaning as assigned to it in clause (45) of section 2 of the Companies Act, 2013;

(*j*) "mine infrastructure" includes mining infrastructure such as tangible assets used for coal mining operations, being civil works, workshops, immovable coal winning equipment, foundations, embankments, pavements, electrical systems, communication systems, relief centres, site administrative offices, fixed installations, coal handling arrangements, crushing and conveying systems, railway sidings, pits, shafts, inclines, underground transport systems, hauling systems, (except movable equipment unless the same is embedded in land for permanent beneficial enjoyment thereof), land demarcated for afforestation and land for rehabilitation and re-settlement of persons affected by coal mining operations under the relevant law;

(*k*) "nominated authority" means the authority nominated by the Central Government under section 6;

(*l*) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(*m*) "prescribed" means prescribed by rules made under this Ordinance;

(*n*) "prior allottee" means prior allottee of Schedule I coal mines as listed therein who had been allotted coal mines between 1993 and 31st day of March, 2011, whose allotments have been cancelled pursuant to the judgment of the Supreme Court dated the 25th August, 2014 and its order dated 24th September, 2014 including those allotments which may have been de-allocated prior to and during the pendency of the Writ Petition (Criminal) No. 120 of 2012;

(*o*) "Schedule" means a Schedule appended to this Ordinance;

(*p*) "Schedule I coal mines" means,—

(*i*) all the coal mines and coal blocks the allocation of which was cancelled by the judgment dated 25th August, 2014 and its order dated 24th September, 2014 passed in Writ Petition (Criminal) No. 120 of 2012, including those allotments which may have been de-allocated prior to and during the pendency of the said Writ Petition;

(*ii*) all the coal bearing land acquired by the prior allottee and lands, in or adjacent to the coal mines used for coal mining operations acquired by the prior allottee;

(*iii*) any existing mine infrastructure as defined in clause (*j*).

(*q*) "Schedule II coal mines" means the forty-two Schedule I coal mines listed in Schedule II which are the coal mines in relation to which the order of the Supreme Court dated 24th day of September, 2014 was made;

(*r*) "Schedule III coal mines" means the thirty-two Schedule I coal mines listed in Schedule III or any other Schedule I coal mine notified under sub-section (2) of section 7;

(*s*) "secured creditor" shall have the same meaning as assigned to it in clause (*zd*) of section 2 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;

54 of 2002.

(*t*) "secured debt" shall have the same meaning as assigned to it in clause (*ze*) of section 2 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;

(*u*) "security interest" shall have the same meaning as assigned to it in clause (*zf*) of section 2 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; 54 of 2002.

(*v*) "specified end-use" means any of the following end-uses and the expression "specified end user" shall with its grammatical variations be construed accordingly:

(*i*) production of iron and steel;

(*ii*) generation of power including the generation of power for captive use;

(*iii*) washing of coal obtained from a mine;

(*iv*) cement;

(*v*) such other end use as the Central Government, may by notification, specify.

(*w*) "vesting order" means the vesting order issued under section 8.

(2) Words and expressions used herein and not defined, but defined in the Coal Bearing Areas (Acquisition and Development) Act, 1957, the Mines and Minerals (Development and Regulation) Act, 1957 and the Coal Mines (Nationalization) Act, 1973 including any rules or regulations made thereunder, shall have the meanings, respectively assigned to them in those Acts. 20 of 1957. 67 of 1957. 26 of 1973.

CHAPTER II

AUCTION AND ALLOTMENT

Eligibility to participate in auction and payment of fees.

4. (*1*) Subject to the provisions of section 5, Schedule I coal mines shall be allocated by way of public auction in accordance with such rules, and on the payment of such fees which shall not exceed five crore rupees, as may be prescribed.

(*2*) Subject to the provisions in sub-section (3) of this section and section 5, the Central Government may, for the purpose of granting reconnaissance permit, prospecting licence or mining lease in respect of any area containing coal, select any of the following companies through auction by competitive bidding, on such terms and conditions as may be prescribed—

(*a*) a Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may, or any other company incorporated in India; or

(*b*) a company or a joint venture company formed by two or more companies,

may carry on coal mining operations in India, in any form either for own consumption, sale or for any other purpose in accordance with the permit, prospecting licence or mining lease, as the case may be, and the State Government shall grant such reconnaissance permit, prospecting licence or mining lease in respect of any area containing coal to such company as selected through auction by competitive bidding under this section.

(*3*) Subject to the provisions of section 5, the following persons who fulfil such norms as may be prescribed, shall be eligible to bid in an auction of Schedule II coal mines and Schedule III coal mines and to engage in coal mining operations in the event they are successful bidders, namely:—

(*a*) a company engaged in specified end use including a company having a coal linkage which has made such investment as may be prescribed;

Explanation.—A "company with a coal linkage" includes any such company whose application is pending with the Central Government on the date of commencement of this Ordinance.

(*b*) a joint venture company formed by two or more companies having a common specified end use and are independently eligible to bid in accordance with this Ordinance;

(*c*) a Government company or corporation or a joint venture company formed by such company or corporation or with any other company having common specified end use:

Provided that nothing contained in sub-section (2) shall apply to this sub-section.

(*4*) A prior allottee shall be eligible to participate in the auction process subject to payment of the additional levy within such period as may be prescribed and if the prior allottee has not paid such levy, then, the prior allottee, its promoter or any of its company of such prior allottee shall not be eligible to bid either by itself or by way of a joint venture.

(*5*) Any prior allottee who is convicted for an offence relating to coal block allocation and sentenced with imprisonment for more than three years, shall not be eligible to participate in the auction.

Allotment of mines to Government companies or corporations.

5. (*1*) Notwithstanding the provisions contained in sub-sections (1) and (3) of section 4, the Central Government may allot a Schedule I coal mine to a Government company or corporation which is not a joint venture with private company or to a company which has been awarded a power project on the basis of competitive bids for tariff (including Ultra Mega Power Projects) from specified Schedule I coal mines by making an allotment order in accordance with such rules as may be prescribed and the State Government shall grant a reconnaissance permit, prospecting licence or mining lease in respect of any area containing coal to such company or corporation:

Provided that the Government company or corporation may carry on coal mining in any form either for its own consumption, sale or for any other purpose in accordance with the permit, prospecting licence or mining lease, as the case may be.

(*2*) An allotment may be made jointly to a joint venture of two or more Government companies or corporations:

Provided that a joint venture of any two or more Government companies or corporations shall be prohibited from alienating or transferring any interest in the joint venture of whatsoever nature including ownership in favour of a third party.

(*3*) No allotment under sub-section (1) shall be made to a prior allottee, if that allottee has not made the payment of the additional levy within the specified period.

Central Government to act through nominated authority.

6. (*1*) The Central Government shall appoint an officer not below the rank of Joint Secretary to the Government of India as the nominated authority who shall act for and on behalf of the Central Government for the purposes of this Ordinance and shall exercise such powers as may be prescribed.

(*2*) The nominated authority may engage any expert having such qualifications and experience and on such terms and conditions as may be prescribed to make recommendations to the authority for the conduct of auction and in drawing up of the vesting order or allotment order in relation to Schedule I coal mines.

(*3*) The Central Government shall act through the nominated authority for the following purposes, namely:—

(*a*) conduct the auction process and allotment with the assistance of experts;

(*b*) execution of the vesting order for transfer and vesting of Schedule I coal mines pursuant to the auction;

(*c*) executing the allotment order for any Government company or corporation in pursuance of section 5;

(*d*) recording and mutating incorporeal rights of whatsoever nature including, consents, permissions, permits, approvals, grants, registrations;

(*e*) collection of auction proceeds, adjustment of preferential payments and transfer of amount to the respective State Governments where Schedule I coal mine is located in accordance with the provisions of this Ordinance.

(*4*) The nominated authority shall complete the auction or execute the allotment orders of Schedule I coal mines within such time and in accordance with such rules as may be prescribed.

(*5*) The Central Government may appoint such other officers and staff as it may think fit to assist the nominated authority.

(*6*) The salaries and allowances and other terms and conditions of service of the nominated authority and such other officers and staff appointed under this section shall be such as may be prescribed.

Power to classify certain Schedule I coal mines by Central Government.

7. (*1*) The Central Government may, before notifying the particulars of auction, classify mines identified from Schedule I coal mines as earmarked for the same class of specified end uses.

(*2*) The Central Government may in public interest, by notification, modify Schedule III coal mines by adding any other Schedule I coal mine for the purposes of specified end use.

Nominated authority to issue vesting order or allotment order.

8. (*1*) The nominated authority shall notify the prior allottees of Schedule I coal mines to enable them to furnish information required for notifying the particulars of Schedule I coal mines to be auctioned in accordance with such rules as may be prescribed.

(*2*) The information required to be furnished under sub-section (1) shall be furnished within a period of fifteen days from the date of the notification.

(*3*) A successful bidder in an auction conducted on a competitive basis in accordance with such rules as may be prescribed, shall be entitled to the vesting of Schedule I coal mine for which it bid, pursuant to a vesting order drawn up in accordance with such rules.

(*4*) The vesting order shall transfer and vest upon the successful bidder, the following, namely:—

(*a*) all the rights, title and interest of the prior allottee, in Schedule I coal mine concerned with the relevant auction;

(*b*) entitlement to a mining lease to be granted by the State Government;

(*c*) any statutory licence, permit, permission, approval or consent required to undertake coal mining operations in Schedule I coal mines if already issued to the prior allottee;

(*d*) rights appurtenant to the approved mining plan of the prior allottee;

(*e*) any right, entitlement or interest not specifically covered under clauses (*a*) to (*e*).

(*5*) The nominated authority shall, in consultation with the Central Government, determine the floor price or reserve price in accordance with such rules as may be prescribed.

(*6*) The successful bidder shall, prior to the issuance and execution of a vesting order, furnish a performance bank guarantee for an amount as notified in relation to

Schedule I coal mine auctioned to such bidder within such time, form and manner as may be prescribed.

(7) After the issuance of a vesting order under this section and its filing with the Central Government and with the appropriate authority designated by the respective State Governments, the successful bidder shall be entitled to take possession of the Schedule I coal mine without let or hindrance.

(8) Upon the execution of the vesting order, the successful bidder of the Schedule I coal mine shall be granted a prospecting licence or a mining lease, as applicable, by the concerned State Government in accordance with the Mines and Minerals (Development and Regulation) Act, 1957.

67 of 1957.

(9) A Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may, or any other company incorporated in India, alloted a Schedule I coal mine shall be granted a prospecting licence or a mining lease, as applicable, by the concerned State Government in accordance with the Mines and Minerals (Development and Regulation) Act, 1957.

(10) In relation to Schedule II coal mines, the successful bidder which was a prior allottee, shall continue coal mining operations after the appointed date in terms of the approved mining plan, till the mining lease in terms of sub-section (8) is granted, upon the grant of a vesting order and to that extent, the successful bidder shall be deemed to have been granted a mining lease till the execution of the mining lease in terms of the said Sub-section.

(11) In relation to Schedule II coal mines, the Government company or corporation which was a prior allottee can continue coal mining operations after the appointed date in terms of the approved mining plan, till the mining lease in terms of sub-section (9) is granted, upon execution of the allotment order and to that extent, the allottee shall be deemed to have been granted a mining lease till the execution of the mining lease in terms of the said Sub-section..

(12) The provisions of sub-sections (1) and (2) and sub-sections (4) to (7) (both inclusive) of this section as applicable to a vesting order, shall *mutatis mutandis* be also applicable to an allotment order.

Priority of disbursal of proceeds.

9. The proceeds arising out of land and mine infrastructure in relation to a Schedule I coal mine shall be disbursed maintaining, *inter alia*, the priority of payments in accordance with such rules as may be prescribed—

(a) payment to secured creditors for any portion of the secured debt in relation to a Schedule I coal mine which is unpaid as on the date of the vesting order;

(b) compensation payable to the prior allottee in respect of the Schedule I coal mine.

CHAPTER III

TREATMENT OF RIGHTS AND OBLIGATIONS OF PRIOR ALLOTTEES

Utilisation of movable property used in coal mining operations.

10. (1) A successful bidder or allottee in respect of Schedule II coal mines, may negotiate with prior allottee to own or utilise such movable property used in coal mining operations on such terms and conditions as may be mutually agreed to by them.

(2) Where a successful bidder or allottee is not vested with any movable property of a Schedule I coal mine, then, he is not bound by any liabilities or obligations arising out of such ownership or contractual rights, obligations or liabilities which shall continue to remain with the prior allottee.

(3) In the event that the successful bidder or allottee is unable to satisfactorily negotiate with the prior allottee or any third party who has a contract with the prior allottee for the movable property, it shall be the obligation of the prior allottee or the third party to remove

such movable property within a period not exceeding thirty days from the date of the vesting order, or the allotment order, as the case may be, and the successful bidder or allottee shall not be liable for any damage to such property.

(*4*) A successful bidder or allottee which has elected not to purchase or transfer or continue to use the movable property referred to in sub-section (1), shall prior to the execution of the vesting order or the allotment order, as the case may be, declare to the nominated authority that he intends to move and store such movable property of the prior allottee or such third party and after the date of the vesting order or the allotment order, as the case may be, the successful bidder or allottee shall be entitled to move and store such movable property, so as not to cause any impediment for coal mining operations.

(*5*) If a prior allottee or such third party which has contracted with the prior allottee for its movable property, fails to remove the movable property which the successful bidder or allottee has elected not to purchase or use in accordance with sub-section (4), then, after the period of seventy-five days from the vesting order or the allotment order, as the case may be, a successful bidder or allottee shall be entitled to dispose off such movable property which may be physically located within Schedule II coal mine, the successful bidder or the allottee, shall, in such event be entitled to appropriate the sale proceeds of such movable property disposed off to pay for any cost incurred by the successful bidder or allottee, for the removal, storage, sale and disposal of such movable property, as a first charge over the sale proceeds of such movable property:

Provided that the remaining sale proceeds after appropriation of costs, shall be paid by the successful bidder or allottee to the Central Government towards any compensation that may be payable to the owner of such movable property sold, upon establishment of title to such movable property in accordance with such rules as may be prescribed:

Provided further that if a third party contractor to the prior allottee owns such movable property, then, such third party shall be entitled to prove its right to receive compensation from the sale proceeds of the movable property sold as per this sub-section, in accordance with such rules as may be prescribed.

Discharge or adoption of third party contracts with prior allottees.

11. (*1*) Notwithstanding anything contained in any other law for the time being in force, a successful bidder or allottee, as the case may be, in respect of Schedule I coal mines, may elect, to adopt and continue such contracts which may be existing with any of the prior allottees in relation to coal mining operations and the same shall constitute a novation for the residual term or residual performance of such contract:

Provided that in such an event, the successful bidder or allottee or the prior allottee shall notify the nominated authority to include the vesting of any contracts adopted by the successful bidder.

(*2*) In the event t at a successful bidder or allottee elects not to adopt or continue with existing contracts which had been entered into by the prior allottees with third parties, in that case all such contracts which have not been adopted or continued shall cease to be enforceable against the successful bidder or allottee in relation to the Schedule I coal mine and the remedy of such contracting parties shall be against the prior allottees.

Provisions in relation to secured creditors.

12. (*1*) The secured creditors of the prior allottees which had any security interest in any part of the land or mine infrastructure of a Schedule I coal mine shall be entitled to—

(*a*) continue with such facility agreements and security interest with the prior allottee if such prior allottee is a successful bidder or allottee; and

(*b*) in the event that the prior allottee is not a successful bidder or allottee, then the security interest of such secured creditor shall only be satisfied out of the compensation payable to such prior allottee, to the extent determined in accordance with such rules as may be prescribed and the outstanding debt shall be recoverable from the prior allottee.

(*2*) The Central Government shall, taking into consideration the provisions contained in section 9, prescribe the manner in which the secured creditor shall be paid out of the compensation in respect of any prior allottee.

Void alienations and permitted security interests.

13. Any and all alienations of land and mine infrastructure and creation of any encumbrances of whatsoever nature thereon which relate to Schedule I coal mines, made by any prior allottee after the 25th day of August, 2014 shall be void, save and except any registered security interest and charge over the land and mine infrastructure as registered by a bank or a financial institution or any other secured lender.

Liabilities of prior allottees.

14. (*1*) Notwithstanding anything contained in any other law for the time being in force, no proceedings, orders of attachment, distress, receivership, execution or the like, suits for the recovery of money, enforcement of an security or guarantee (except as otherwise provided for under this Ordinance), prior to the date of commencement of this Ordinance shall lie, or be proceeded further with and no remedies shall be available against the successful bidder, or allottee, as the case may be or against the land and mine infrastructure in respect of Schedule I coal mines.

(*2*) The proceedings as referred to in sub-section (1), shall continue as a personal remedy against the prior allottee but shall not be maintainable or continued against the land or mine infrastructure of Schedule I coal mine or the successful bidder or allottee, pursuant to this Ordinance.

(*3*) Every liability of any prior allottee in relation to a Schedule I coal mine in respect of any period prior to the vesting order or allotment order, shall be the liability of such prior allottee and shall be enforceable against it and not against the successful bidder or allottee or the Central Government.

(*4*) All unsecured loans shall continue to remain the liability of the prior allottee.

(*5*) The additional levy imposed against the prior allottees of Schedule II coal mines shall continue to remain the liability of such prior allottees and such additional levy shall be collected by the Central Government in such manner as may be prescribed.

(*6*) For the removal of doubts, it is hereby declared that—

(*a*) no claim for wages, bonus, royalty, rate, rent, taxes, provident fund, pension, gratuity or any other dues in relation to a Schedule I coal mine in respect of any period prior to the date of vesting order or allotment order, as the case may be, shall be enforceable against the Central Government or the successful bidder or the allottee, as the case may be;

(*b*) no award, decree, attachment or order of any court, tribunal or other authority in relation to any Schedule I coal mine passed prior to the date of commencement of this Ordinance, in relation to the land and mine infrastructure of Schedule I coal mines, shall be enforceable against the Central Government or the successful bidder or the allottee, as the case may be;

(*c*) no liability for the contravention of any provision of law for the time being in force, relating to any act or omission prior to the date of vesting order or allotment order, as the case may be, shall be enforceable against the successful bidder or allottee or the Central Government.

Commissioner of Payments to be appointed and his powers.

15. (*1*) For the purposes of disbursing the amounts payable to the prior allottees of Schedule I coal mines, the Central Government shall appoint an officer not below the rank of Joint Secretary to the Government of India, to be the Commissioner of Payments.

(*2*) The Central Government may appoint such other officers and staff as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such officers to also exercise all or any of the powers exercisable by him under this Ordinance.

(*3*) Any officer authorised by the Commissioner to exercise any powers may exercise those powers in the same manner and with the same effect as if they have been conferred on him directly by this Ordinance and not by way of authorisation.

(*4*) The salaries and allowances and other terms and conditions of service of the Commissioner and other officers and staff appointed under this section shall be such as may be prescribed.

(*5*) The Central Government shall, within a period of thirty days from such date as may be notified pay to the Commissioner for payment to the prior allottee, an amount equal to the compensation determined by the nominated authority.

(*6*) Separate records shall be maintained by the Commissioner in respect of each Schedule I coal mine in relation to which payments have been made to him under this Ordinance.

Valuation of compensation for payment to prior allottee.

16. (*1*) The quantum of compensation for the land in relation to Schedule I coal mines shall be as per the registered sale deeds lodged with the nominated authority in accordance with such rules as may be prescribed, together with twelve per cent. simple interest from the date of such purchase or acquisition, till the date of the execution of the vesting order or the allotment order, as the case may be:

(*2*) The quantum of compensation for the mine infrastructure in relation to Schedule I coal mines shall be determined as per the written down value reflected in the statutorily audited balance sheet of the previous financial year in accordance with such rules and in such manner as may be prescribed.

(*3*) If the successful bidder or allottee is a prior allottee of any of the Schedule I coal mines, then, the compensation payable to such successful bidder or allottee shall be set off or adjusted against the auction sum or the allotment sum payable by such successful bidder or allottee, as the case may be, for any of the Schedule I coal mines.

(*4*) The prior allottee shall not be entitled to compensation till the additional levy has been paid.

CHAPTER IV

POWERS OF THE CENTRAL GOVERNMENT AFTER THE APPOINTED DATE

Responsibility of Central Government after the appointed date.

17. (*1*) On and from the appointed date, the Central Government or a company owned by the Central Government shall be deemed to have become the lessee or licensee of the State Government in relation to each of the Schedule II coal mines, in respect of which a mining lease or prospecting licence has been granted prior to the date of commencement of this Ordinance, as if a mining lease or prospecting licence in relation to such coal mine had been granted to the Central Government or a company owned by the Central Government and the period of such lease or licence shall be the maximum period for which such lease or licence could have been granted by the State Government under the Mineral Concession Rules, 1960, and thereupon all the rights under such mining lease, including surface, underground and other rights shall be deemed to have been transferred to, and vested in, the Central Government or a company owned by the Central Government.

(*2*) On the expiry of the term of any lease or licence, referred to in sub-section (1), such lease or licence shall be renewed, by the State Government, in consultation with the Central Government for the maximum period for which such lease or licence can be renewed under the Mineral Concession Rules, 1960.

(3) As it is considered expedient and necessary in the public interest and in view of the difficult situation which has arisen, the powers of the State Government, under the Mines and Minerals (Development and Regulation) Act, 1957, to prematurely terminate a prospecting licence or mining lease, shall stand suspended, in relation to Schedule I coal mines, for a period of one year from the date of commencement of this Ordinance or such other period as may be notified by the Central Government.

67 of 1957.

Central Government to appoint designated custodian.

18. (1) On and from the appointed date, if the auction or allotment of Schedule I coal mines is not complete, the Central Government shall appoint any person as a designated custodian for such coal mines as may be notified by the Central Government to manage and operate such notified coal mines.

(2) The designated custodian shall act for and on behalf of the Central Government in respect of the notified coal mines under sub-section (1) to operate and manage such Schedule I coal mines in such manner as may be notified, till the completion of the auction of such coal mines or allotment under section 4 and section 5 read with section 8, as the case may be.

Powers and functions of the designated custodian in respect of Schedule II coal mines.

19. (1) The designated custodian appointed under sub-section (1) of section 18, shall be entitled to take control and possession of all lands, in or adjacent to Schedule II coal mines, and used for coal mining operations and the mine infrastructure in relation to Schedule II coal mine, on behalf of the Central Government.

(2) The designated custodian may direct the prior allottees or any other persons in-charge of the management of the Schedule II coal mine and coal mining operations immediately before the appointed date to provide the requisite manpower, as may be necessary, to ensure continuity in coal mining operations and production of coal.

(3) The designated custodian shall receive, to the exclusion of all other persons, any monies due to Schedule II coal mines, notwithstanding cases where such receipt pertains to a transaction made at any time before the appointed date.

(4) The designated custodian may call for any information, records and documents in relation to Schedule II coal mines and coal mining operations from any or all such persons who were in charge of the management and operation of such Schedule II coal mines prior to the appointed date, and such persons shall be bound to deliver to the designated custodian all such documents in their custody relating to Schedule II coal mines.

(5) The designated custodian may appoint such consultants or experts, as may be necessary, in relation to the management and operation of Schedule II coal mines.

(6) The designated custodian shall transfer the management and operation of any Schedule II coal mines to such person in such manner as may be prescribed.

(7) The designated custodian shall have the power to perform such other functions which may be consequential or incidental to the functions specified under this section.

(8) Notwithstanding anything contained in any other law for the time being in force, the designated custodian shall, in exercise of its or powers or the performance of its functions under this Ordinance, be bound by such directions on questions of policy, as the Central Government may give in writing to it from time to time.

CHAPTER V

CERTAIN ARRANGEMENTS

Power of Central Government to approve certain arrangements.

20. (1) A successful bidder or allottee or coal linkage holder shall, with prior approval of the Central Government and in accordance with such rules as may be prescribed, be entitled to enter into certain agreements or arrangements with other successful bidder or allottee or coal linkage holder, as the case may be, for optimum utilisation of coal mine for the same end uses in the public interest and to achieve cost efficiencies.

(2) A successful bidder or allottee may also use the coal mine from a particular Schedule I coal mine for any of its plants engaged in common specified end uses, in accordance with such rules as may be prescribed.

CHAPTER VI

MISCELLANEOUS

Acquisition of land.

21. (1) All existing land acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in relation to Schedule I coal mines, shall continue in respect of such areas of land in accordance with the provisions of the said Act. 30 of 2013.

(2) All such areas of land which are not subject matter of land acquisition proceedings, in relation to the coal mines, under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 may be proceeded with by the Central Government in terms of the Coal Bearing Areas (Acquisition and Development) Act, 1957. 20 of 2013. 20 of 1957.

(3) The State Governments which have initiated land acquisition proceedings under provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and all such lands which are also subject matter of the said Act in respect of Schedule I coal mines, shall— 20 of 2013.

(a) not transfer any land to the prior allottees which have been acquired under the said Act;

(b) continue the land acquisition proceedings till the appointed date;

(c) for such Schedule I coal mines which have not vested in the successful bidder or the allottee, as the case may be, by the appointed date, continue the land acquisition proceedings for and on behalf of the Central Government;

(d) upon the vesting or the allotment, as the case may be, after the appointed date, continue such land acquisition proceedings on behalf of the successful bidder or the allottee.

Realisation of additional levy.

22. If a prior allottee of Schedule II coal mine fails to deposit the additional levy with the Central Government within the specified time, then, such additional levy shall be realised as the arrears of land revenue.

Penalties for certain offences.

23. If any person—

(a) obstructs or causes any impediment in taking possession or in the management and operation of the Schedule I coal mines by the Central Government or the designated custodian, or

(b) fails to deliver to the designated custodian any books of account, registers or any other document in his custody relating to Schedule I coal mines and coal mining operations in respect of the management of which the designated custodian has been appointed; or

(c) destroys or misuses any mine infrastructure or coal stock; or

(d) retains any property of such coal mine or removes or destroys it,

he and any officer-in-default of the company shall be punishable with imprisonment for a term which may extend to two years, or with the minimum fine of one lakh rupees per day and in the case of continuing failure, with a maximum fine of two lakh rupees for every day during which the failure continues or with both, depending upon the nature of the offence.

Penalty for failure to comply with directions of Central Government.

24. If any person fails to comply, without reasonable cause, with a direction given by the Central Government or nominated authority or the designated custodian, he shall be punishable with a fine of one lakh rupees and in the case of continuing failure with a maximum fine of two lakh rupees for every day during which the failure continues, depending upon the nature of the offence.

Offences by companies.

25. (*1*) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in-charge of, and was responsible to, the company for conduct of business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Cognizance of offences.

26. No court shall take cognizance of any offence punishable under this Ordinance or any rules made thereunder except upon complaint in writing made by a person authorised in this behalf by the Central Government or nominated authority or the designated custodian.

Ordinance to have overriding effect.

27. The provisions of this Ordinance shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

Amendment of certain Acts contained in Schedule IV.

26 of 1973.
67 of 1957.

28. On and from the date of commencement of this Ordinance, the Coal Mines (Nationalisation) Act, 1973 and the Mines and Minerals (Development and Regulation) Act, 1957 shall stand amended in the manner provided in Schedule IV.

Power to make rules.

29. (*1*) The Central Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out the provisions of this Ordinance.

(*2*) In particular, and without prejudice the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner of allocation of Schedule I coal mines by way of public auction and details of fees under sub-section (1) of section 4;

(*b*) the terms and conditions for granting reconnaissance permit, prospecting licence or mining lease and the manner and conditions of competitive bidding under sub-section (2) of section 4;

(*c*) norms to become eligible to bid in an auction and the amount of investment in respect of a company having a coal linkage under sub-section (3) of section 4;

(*d*) the period within which the payment of additional levy by the prior allottee under of sub-section (4) of section 4;

(*e*) the allotment order to make allocations to a Government company or corporation under sub-section (3) of section 5;

(*f*) the powers of the nominated authority under sub-section (1) of section 6;

(*g*) the manner of bidding for Schedule II coal mines and execution of the allocation orders under sub-section (5) of section 6;

(*h*) the salaries and allowances and other terms and conditions of service of the nominated authority and other officers and staff under sub-section (6) of section 6;

(*i*) the manner of notifying the particulars of Schedule I coal mines to be auctioned and furnishing of required information by the prior allottees under sub-section (1) of section 8;

(*j*) the manner of conducting auction and drawing of a vesting order under sub-section (3) of section 8;

(*k*) determination of floor price by the nominated authority under sub-section (5) of section 8;

(*l*) the form and manner of furnishing of bank guarantee and the time within which such furnishing of bank guarantee under sub-section (6) of section 8;

(*m*) the manner of disbursement of priority payments under section 9;

(*n*) the manner of establishing title of movable property by the prior allottee or third party who has a contract with the prior allottee for the movable property under the first proviso to sub-section (5) of section 10;

(*o*) the manner of receiving compensation from the sale proceeds of the movable property under the second proviso to sub-section (5) of section 10;

(*p*) the manner in which the secured creditor paid out of the compensation in respect of any prior allottee under sub-section (2) of section 12;

(*q*) the manner of collection of additional levy by the Central Government from the prior allottees of Schedule II coal mines under sub-section (5) of section 14;

(*r*) the salaries and allowances and other terms and conditions of service of the Commissioner of Payments and other officers and staff under sub-section (4) of section 15;

(*s*) the manner of determination of compensation payable to prior allottee and the lodging of registered sale deeds with the nominated authority under sub-section (1) of section 16;

(*t*) the method of determination of compensation for mine infrastructure in relation to Schedule I and its reflection in the statutorily audited balance sheet under sub-section (2) of section 16;

(*u*) the manner of transfer of the management and operation of any Schedule II coal mines by the designated custodian under sub-section (6) of section 19;

(*v*) the manner of providing agreements or arrangements for optimum utilisation of coal mined for specified end uses under sub-section (1) of section 20;

(*w*) the manner of usage of coal mine by a successful bidder or allottee for any of its plants under sub-section (2) of section 20;

(*x*) any other matter which is required to be, or may be, prescribed.

(*3*) Every rule made under and every notification issued by the Central Government, under this Ordinance, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in

one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification, or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification .

Power to remove difficulties.

30. (*1*) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Ordinance.

(*2*) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

SCHEDULE - I

[*See* section 3(1)(p)]

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/ Block Located
1.	Tadicherla-I	Andhra Pradesh Power Generation Corpn. Ltd.	Andhra Pradesh
2.	Anesttipali	Andhra Pradesh Power Generation Corpn. Ltd.	Andhra Pradesh
3.	Punkula-Chilka	Andhra Pradesh Power Generation Corpn. Ltd.	Andhra Pradesh
4.	Penagaddppa	Andhra Pradesh Power Generation Corpn. Ltd.	Andhra Pradesh
5.	Namchik Namphuk	Arunachal Pradesh Mineral Dev. & Trading Corporation	Arunachal Pradesh
6.	Sayang	AES Chhattisgarh Energy Pvt. Ltd.	Chhattisgarh
7.	Rajgamar Dipside (Deavnara)	API Ispat & Powertech Pvt. Ltd.,CG Sponge Manufacturers Consortium Coalfield Pvt. Ltd.	Chhattisgarh
8.	Durgapur-II/ Taraimar	Bharat Alluminium Company Ltd.	Chhattisgarh
9.	Datima	Binani Cement Ltd.	Chhattisgarh
10.	Tara	Chhattisgarh Mineral Development Corporation Limited	Chhattisgarh
11.	Gare Pelma, Sector-I	Chhattisgarh Mineral Development Corporation Limited	Chhattisgarh
12.	Shankarpur Bhatgaon II Extn.	Chhattisgarh Mineral Development Corporation Limited	Chhattisgarh
13.	Sondhia	Chhattisgarh Mineral Development Corporation Limited	Chhattisgarh
14.	Parsa	Chhattisgarh State Electricity Board	Chhattisgarh
15.	Vijay Central	Coal India Limited,SKS Ispat & Power Ltd.	Chhattisgarh
16.	Gidhmuri	Chattishgarh State Electricity Board	Chhattisgarh
17.	Paturia	Chattishgarh State Electricity Board	Chhattisgarh
18.	Durgapur-II /Sarya	DB Power Ltd.	Chhattisgarh
19.	Bhaskarpara	Electrotherm (India) Ltd.,Grasim Industries Ltd.	Chhattisgarh
20.	West of Umaria	Sainik Finance and Industries Ltd. (Earlier Garuda Clays Ltd.)	Chhattisgarh
21.	Morga II	Gujrat Mineral Development Corporation	Chhattisgarh
22.	Gare Pelma Sector III	Goa Industrial Development Corporation	Chhattisgarh
23.	Madanpur South	Hindustan Zinc Ltd., Akshya Investment Pvt. Ltd., Chhattisgarh Steel & Power Ltd., Chhattisgarh Electricity Corporation Ltd., MSP Steel & Power Ltd., Chhattisgarh Captive Coal Mining Ltd. (Consortium of five Cos.)	Chhattisgarh
24.	Nakia I	Ispat Godavari Ltd. , Ind Agro Synergy Ltd., Shri Nakoda Ispat Ltd., Vandana Gobal Ltd., Shree Bajrang Power & Ispat Ltd.	Chhattisgarh
25.	Nakia II	Ispat Godavari,Ind Agro Synergy,Shri Nakoda Ispat,Vandana Gobal Ltd.,Shree Bajrang Power & Ispat Ltd.	Chhattisgarh
26.	Gare-Palma- IV/4	Jayaswal Neco Ltd.	Chhattisgarh
27.	Gare Palma IV/8	Jayaswal Neco Ltd.	Chhattisgarh
28.	Gare-Palma-IV/2	Jindal Power Ltd. (Now Jindal Steel & Power Ltd.)	Chhattisgarh
29.	Gare-Palma-IV/3	Jindal Power Ltd. (Now Jindal Steel & Power Ltd.)	Chhattisgarh
30.	Gare-Palma-IV/1	Jindal Strips Limited (Now Jindal Steel & Power Ltd.)	Chhattisgarh

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/ Block Located
31.	Gare Palma IV/6	Jindal Steel & Power Ltd., Nalwa Sponge Iron Ltd.	Chhattisgarh
32.	Fatehpur East	JLD Yavatmal Energy Ltd., R.K.M. Powergen Pvt. Ltd., Visa Power Ltd.,Green Infrastructure Pvt. Ltd.,Vandana Vidyut Ltd.	Chhattisgarh
33.	Morga-I	Madhya Pradesh State Mining Corporation Limited	Chhattisgarh
34.	Morga III	Madhya Pradesh State Mineral Corporation Limited	Chhattisgarh
35.	Morga IV	Madhya Pradesh State Mineral Corporation Limited	Chhattisgarh
36.	Gare Pelma Sector II	Maharashtra State Mining Corpn Ltd.,Tamil Nadu State Electricity Board	Chhattisgarh
37.	Gare-Palma-IV/5	Monet Ispat Ltd.	Chhattisgarh
38.	Rajgamar Dipside (South of Phulakdih Nala)	Monnet Ispat and Energy Ltd., Topworth Steel Pvt. Ltd.	Chhattisgarh
39.	Talaipali	National Thermal Power Ltd.	Chhattisgarh
40.	Chotia	Prakash Industries Ltd.	Chhattisgarh
41.	Gare-Palma-IV/7	Raipur Alloys & Steel Ltd. (Now Sarda Energy and Mineral Limited)	Chhattisgarh
42.	Parsa East	Rajasthan Rajya Vidyut Utpadan Nigam Ltd. (RRVUNL)	Chhattisgarh
43.	Kesla North	Rathi Udyog Ltd.	Chhattisgarh
44.	Kanta Basan	Rajasthan Rajya Vidyut Utpadan Nigam Ltd. (RRVUNL)	Chhattisgarh
45.	Panchbahani	Shree Radhe Industries Ltd.	Chhattisgarh
46.	Fatehpur	SKS Ispat and Power Ltd., Prakash Industries Ltd.	Chhattisgarh
47.	Madanpur (North)	Ultratech Ltd., Singhal Enterprise Ltd., Nav Bharat Coalfield Ltd., Vandana Energy & Steel Pvt. Ltd., Prakash Industries Ltd., Anjani Steel Pvt. Ltd., Chhattisgarh Captive Coal Mining Ltd. (Consortium of five Co.)	Chhattisgarh
48.	Brinda	Abhijeet Infrastructure Pvt. Ltd.	Jharkhand
49.	Sasai	Abhijeet Infrastructure Pvt. Ltd.	Jharkhand
50.	Meral	Abhijeet Infrastructure Pvt. Ltd.	Jharkhand
51.	Seregarha	Arcelor Mittal India Ltd., GVK Power (Govindwal Sahib) Ltd.	Jharkhand
52.	Patal East	Bhushan Power and Steel Ltd.	Jharkhand
53.	Saria Koiyatand	Bihar Rajya Khanij Vikas Nigam (BRKVN) Patna	Jharkhand
54.	Macherkunda	Bihar Sponge Iron Ltd.	Jharkhand
55.	Brahmadiha	Castron Technologies Ltd.	Jharkhand
56.	Mahuagarhi	Calcutta Electricity Supply Corporation Ltd. (CESC), Jas Infrastructure Capital Pvt. Ltd.	Jharkhand
57.	Chitarpur	Corporate Ispat Alloys Ltd.	Jharkhand
58.	Saharpur Jamarpani	Damodar Valley Corporation	Jharkhand
59.	Lalgarh (North)	Domco Smokeless Fuel Pvt. Ltd.	Jharkhand
60.	Parbatpur-Central	Electrosteel Castings Ltd.	Jharkhand
61.	Chakla	Essar Power Ltd.	Jharkhand
62.	Ashok Karkatta Central	Essar Power Ltd.	Jharkhand
63.	Jainagar	Gujarat Mineral Development Corporation (GMDC)	Jharkhand

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/ Block Located
64.	Tokisud North	GVK Power (Govindwal Sahib) Ltd.	Jharkhand
65.	Tubed	Hindalco Industries Ltd., Tata Power Company Ltd.	Jharkhand
66.	Moitra	Jayaswal Neco Ltd.	Jharkhand
67.	North Dhadu	Jharkhand Ispat Pvt. Ltd, Pavanjay Steel & Power Ltd., Electrosteel castings Ltd, Adhunik Alloys & Power Ltd.	Jharkhand
68.	Banhardih	Jharkhand State Electricity Board	Jharkhand
69.	Sugia Closed mine	Jharkhand State Mineral Development Corporation	Jharkhand
70.	Rauta Closed mine	Jharkhand State Mineral Development Corporation	Jharkhand
71.	Burakhap small patch	Jharkhand State Mineral Development Corporation	Jharkhand
72.	Pindra-Debipur-Khaowatand	Jharkhand State Mineral Development Corporation Ltd.	Jharkhand
73.	Latehar	Jharkhand State Mineral Development Corporation Ltd.	Jharkhand
74.	Patratu	Jharkhand State Mineral Development Corporation Ltd.	Jharkhand
75.	Rabodih OCP	Jharkhand State Mineral Development Corporation Ltd.	Jharkhand
76.	Jogeshwar & Khas Jogeshwar	Jharkhand State Mineral Development Corporation	Jharkhand
77.	Jitpur	Jindal Steel & Power Ltd.	Jharkhand
78.	Amarkonda Murgadangal	Jindal Steel and Power Ltd., Gagan Sponge Iron Pvt. Ltd.	Jharkhand
79.	Urma Paharitola	Jharkhand State Electricity Board, Bihar State Mineral Development Corporation Ltd.	Jharkhand
80.	Rohne	JSW Steel Ltd., Bhushan Power & Steel Ltd., Jai Balaji Industries Ltd.	Jharkhand
81.	Gomia	Metals and Minerals Trading Corporation	Jharkhand
82.	Rajhara North (Central & Eastern)	Mukund Limited, Vini Iron & Steel Udyog Limited	Jharkhand
83.	Dumri	Nilachal Iron & Power Ltd., Bajrang Ispat Pvt. Ltd.	Jharkhand
84.	Kerandari	National Thermal Power Ltd.	Jharkhand
85.	Chatti Bariatu	National Thermal Power Ltd.	Jharkhand
86.	Chhati Bariatu South	National Thermal Power Ltd.	Jharkhand
87.	Brahmini	National Thermal Power Ltd.+ Coal India Limited JV	Jharkhand
88.	Chichro Patsimal	National Thermal Power Ltd.+ Coal India Limited JV	Jharkhand
89.	Pachwara Central	Punjab State Electricity Board	Jharkhand
90.	Mahal	Rashtriya Ispat Nigam Limited	Jharkhand
91.	Tenughat-Jhirki	Rashtriya Ispat Nigam Limited	Jharkhand
92.	Bundu	Rungta Mines Limited	Jharkhand
93.	Mednirai	Rungta Mines Limited, Kohinoor Steel (P) Ltd.	Jharkhand
94.	Choritand Tiliaya	Rungta Mines Limited, Sunflag Iron & Steel Co. Ltd.	Jharkhand
95.	Sitanala	Steel Authority of India Ltd.	Jharkhand
96.	Ganeshpur	Tata Steel Ltd., Adhunik Thermal Energy	Jharkhand
97.	Badam	Tenughat Vidyut Nigam Limited	Jharkhand

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/ Block Located
98.	Rajbar E&D	Tenughat Vidyut Nigam Limited	Jharkhand
99.	Gondulpara	Tenughat Vidyut Nigam Limited, Damodar Valley Corporation	Jharkhand
100.	Kotre -Basantpur	Tata Iron and Steel Co. Ltd.(Now Tata Steel Ltd.)	Jharkhand
101.	Pachmo	Tata Iron and Steel Co. Ltd. (Now Tata Steel Ltd.)	Jharkhand
102.	Lohari	Usha Martin Ltd.	Jharkhand
103.	Kathautia	Usha Martin Ltd.	Jharkhand
104.	Pachwara North	West Bengal Power Development Corporation Limited (WBPDCL)	Jharkhand
105.	Suliyari	Andhra Pradesh Mineral Development Corporation	Madhya Pradesh
106.	Bikram	Birla Corporation Ltd.	Madhya Pradesh
107.	Gotitoria (East)	BLA Industries Ltd.	Madhya Pradesh
108.	Gotitoria (West)	BLA Industries Ltd.	Madhya Pradesh
109.	Mahan	Essar Power Ltd., Hindalco Industries Ltd.	Madhya Pradesh
110.	Mandla North	Jaipraskash Associates Ltd.	Madhya Pradesh
111.	Urtan North	Jindal Steel & Power Ltd., Monet Ispat and Energy Ltd.	Madhya Pradesh
112.	Thesgora-B/ Rudrapuri	Kamal Sponge Steel & Power Limited,Revati Cement P. Ltd.	Madhya Pradesh
113.	Amelia	Madhya Pradesh State Mining Corporation	Madhya Pradesh
114.	Amelia (North)	Madhya Pradesh State Mining Corporation	Madhya Pradesh
115.	Mandla South	Madhya Pradesh State Mining Corporation Ltd.	Madhya Pradesh
116.	Dongeri Tal-II	Madhya Pradesh State Mining Corporation Ltd. (MPSMC)	Madhya Pradesh
117.	Marki Barka	Madhya Pradesh State Mining Corporation (MPSMC)	Madhya Pradesh
118.	Semaria/Piparia	Madhya Pradesh State Mining Corporation (MPSMC)	Madhya Pradesh
119.	Bicharpur	Madhya Pradesh State Mining Corporation Ltd. (MPSMC)	Madhya Pradesh
120.	Tandsi-III & Tandsi -III (Extn.)	Mideast Integrated Steels Ltd.	Madhya Pradesh
121.	Sahapur East	National Mineral Dev. Corp.	Madhya Pradesh
122.	Sahapur West	National Mineral Dev. Corp.	Madhya Pradesh
123.	Mara II Mahan	NCT of Delhi, Delhi, Haryana Power Generation Corp. Ltd. (HPGCL)	Madhya Pradesh
124.	Sial Ghoghri	Prism Cement Limited	Madhya Pradesh
125.	Brahampuri	Pushp Steel and Mining Ltd.	Madhya Pradesh
126.	Rawanwara North	SKS Ispat Limited	Madhya Pradesh
127.	Bander	AMR Iron & Steels Pvt. Ltd., Century Textiles & Industries Ltd., J.K.Cement Ltd.	Maharashtra
128.	Marki Mangli-I	B.S. Ispat Ltd.	Maharashtra
129.	Takli-Jena- Bellora (North) & Takli-Jena- Bellora (South)	Central Collieries Co. Ltd. and Lloyds Metals & Engineering Ltd.	Maharashtra
130.	Dahegaon/ Makard hokra- IV	IST Steel & Power Ltd., Gujarat Ambuja Cement Ltd., Lafarge India Pvt. Ltd.	Maharashtra

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/ Block Located
131.	Gondkhari	Maharashtra Seamless Limited, Dhariwal Infrastructure (P) Ltd., Kesoram Industries Ltd.	Maharashtra
132.	Marki-Zari-Jamani-Adkoli	Maharashtra State Mining Corpn. Ltd.	Maharashtra
133.	Lohara (East)	Murli Industries Ltd.,Grace Industries Ltd.	Maharashtra
134.	Khappa & Extn.	Sunflag Iron & Steel Ltd., Dalmia Cement (Bharat) Ltd.	Maharashtra
135.	Lohara West Extn.	Adani Power Ltd.	Maharashtra
136.	Warora West (North)	Bhatia International Ltd.	Maharashtra
137.	Kosar Dongergaon	Chaman Metaliks Ltd.	Maharashtra
138.	Warora (West) Southern Part	Fieldmining & Ispat Ltd.	Maharashtra
139.	Chinora	Fieldmining & Ispat Ltd.	Maharashtra
140.	Majra	Gondwana Ispat Ltd.	Maharashtra
141.	Nerad Malegaon	Gupta Metallics & Power Ltd., Gupta Coalfields & Washeries Ltd.	Maharashtra
142.	Baranj - I	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
143.	Baranj - II	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
144.	Baranj - III	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
145.	Baranj - IV	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
146.	Kiloni	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
147.	Manora Deep	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
148.	Agarzari	Maharastra State Mining Corporation Limited (MSMCL)	Maharashtra
149.	Warora	Maharashtra State Mining Corporation Limited (MSMCL)	Maharashtra
150.	Bhandak West	Shree Baidyanath Ayurved Bhawan Ltd.	Maharashtra
151.	Marki Mangli-II	Shree Veerangana Steel Limited.	Maharashtra
152.	Marki Mangli-III	Shree Veerangana Steel Limited.	Maharashtra
153.	Marki Mangli-IV	Shree Veerangana Steel Limited.	Maharashtra
154.	Belgaon	Sunflag Iron & Steel Co. Ltd.	Maharashtra
155.	Mandakini B	Assam Mineral Dev. Corporation Ltd., Meghalaya Mineral Dev. Corp, Tamil Nadu Electricity Board, Orissa Mining Corporation Ltd.	Orissa
156.	New Patrapara	Bhusan Steel & Strips Ltd., Adhunik Metaliks Ltd., Deepak Steel & Power Ltd., Adhunik Corp. Ltd., Orissa Sponge Iron Ltd., SMC Power Generation Ltd., Sree Metaliks Ltd.,Visa Steel Ltd.	Orissa
157.	Bijahan	Bhushan Ltd., Shri Mahavir Ferro Alloys Pvt. Limited	Orissa
158.	Jamkhani	Bhushan Ltd.	Orissa
159.	Naini	Gujarat Mineral Development Corporation, Pondichery Industrial Promotion Development and Investment Corporation Limited	Orissa
160.	Mahanadi	Gujarat State Electricity Corporation Limited, Maharashtra State Electricity Board	Orissa
161.	Machhakata	Gujarat State Electricity Corporation Limited, Maharashtra State Electricity Board	Orissa

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/ Block Located
162.	Talabira-I	Hindalco Industries Ltd.	Orissa
163.	Ramchandi Promotion Block	Jindal Steel & Power Limited	Orissa
164.	Utkal B 1	Jindal Steel & Power Ltd.	Orissa
165.	Baitarni West	Kerala State Electricity Board, Orissa Hydro Power Corp., Gujarat Power Corporation Ltd.	Orissa
166.	Talabira II & III	Mahanadi Coalfields Ltd. (MCL), Neyveli Lignite Corporation Ltd., Hindalco Industries Ltd.	Orissa
167.	Utkal-A	Mahanadi Coalfields Ltd. (MCL), JSW Steels Ltd., Jindal Thermal Power Comp. Ltd., Jindal Stainless Steels Ltd., Shyam DRI Ltd.	Orissa
168.	Utkal-B2	Monet Ispat Ltd.	Orissa
169.	Mandakini	Monet Ispat Energy Ltd., Jindal Photo Ltd., Tata Power Company Ltd.	Orissa
170.	Utkal-E	National Alluminium Corporation	Orissa
171.	Dulanga	National Thermal Power Corporation	Orissa
172.	Utkal-D	Orissa Mining Corporation	Orissa
173.	Nuagaon Telisahi	Orissa Mining Corporation, Andhra Pradesh Mineral Development (APMDC)	Orissa
174.	Manoharpur	Orissa Power Generation Corporation	Orissa
175.	Dipside Manoharpur	Orissa Power Generation Corporation	Orissa
176.	Radhikapur(West)	Rungta Mines Limited, OCL India Ltd., Ocean Ispat Ltd.	Orissa
177.	Rampia	Sterlite Energy Ltd., (IPP), GMR Energy Ltd. (IPP), Arcelor Mittal India Ltd. (CPP), Lanco Group Ltd. (IPP), Navbharat Power Pvt. Ltd. (IPP), Reliance Energy Ltd. (IPP)	Orissa
178.	Dipside of Rampia	Sterlite Energy Ltd., (IPP), GMR Energy (IPP), Arcelor Mittal India Ltd. (CPP), Lanco Group Ltd. (IPP), Navbharat Power Pvt. Ltd. (IPP), Reliance Energy Ltd. (IPP)	Orissa
179.	North of Arkhapal Srirampur	Strategic Energy Technology Systems Limited (SETSL)	Orissa
180.	Radhikapur (East)	Tata Sponge Iron Ltd., Scaw Industries Ltd., SPS Sponge Iron Ltd.	Orissa
181.	Chendipada	Uttar Pradesh Rajya Vidut Utpadan Limited, Chhattisgarh Mineral Development Corporation Limited , Maharashtra State Power Generation Corporation Ltd.	Orissa
182.	Chendipada-II	Uttar Pradesh Rajya Vidut Utpadan Limited, Chhattisgarh Mineral Development Corporation Limited, Maharashtra State Power Generation Corporation Ltd.	Orissa
183.	Utkal-C	Utkal Coal Ltd. (formerly ICCL)	Orissa
184.	Biharinath	Bankura DRI Mining Manufacturers Co. Pvt. Ltd.	West Bengal
185.	Andal East	Bhushan Steel Ltd., Jai Balaji Industries Ltd., Rashmi Cement Ltd.	West Bengal
186.	Barjora (North)	Damodar Valley Corporation	West Bengal
187.	Kagra Joydev	Damodar Valley Corporation	West Bengal
188.	Kasta (East)	Damodar Valley Corporation	West Bengal
189.	Gourangdih ABC	Himachal EMTA Power Ltd., JSW Steel Ltd.	West Bengal

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/ Block Located
190.	Moira-Madhujore	Ramsarup Lohh Udyog Ltd., Adhunik Corporation Ltd., Uttam Galva Steels Ltd., Howrah Gases Ltd., Vikas Metal & Power Ltd., ACC Ltd.	West Bengal
191.	Sarisatolli	Calcutta Electricity Supply Corporation Ltd.	West Bengal
192.	Ardhagram	Sova Ispat Limited, Jaibalaji Sponge Ltd.	West Bengal
193.	Tara (West)	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal
194.	Gangaramchak	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal
195.	Barjora	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal
196.	Gangaramchak-Bhadulia	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal
197.	Tara (East)	West Bengal State Electricity Board	West Bengal
198.	Jaganathpur B	West Bengal Mineral Development & Trading Corp.	West Bengal
199.	Sitarampur	West Bengal Mineral Dev. & Trading Corp. Ltd.	West Bengal
200.	Trans Damodar	West Bengal Mineral Dev. & Trading Corp. Ltd.	West Bengal
201.	Ichhapur	West Bengal Mineral Dev. & Trading Corp. Ltd.	West Bengal
202.	Kuiti	West Bengal Mineral Dev. & Trading Corp. Ltd.	West Bengal
203.	Jaganathpur A	West Bengal Mineral Dev. & Trading Corp. Ltd.	West Bengal
204.	East of Damogoria (Kalyaneshwari)	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal

SCHEDULE - II

[*See* section 3(1)(q)]

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/ Block Located
1.	Namchik Namphuk	Arunachal Pradesh Mineral Dev. & Trading Corporation	Arunachal Pradesh
2.	Gare-Palma- IV/4	Jayaswal Neco Ltd.	Chhattisgarh
3.	Gare-Palma-IV/2	Jindal Power Ltd. (Now Jindal Steel & Power Ltd.)	Chhattisgarh
4.	Gare-Palma-IV/3	Jindal Power Ltd. (Now Jindal Steel & Power Ltd.)	Chhattisgarh
5.	Gare-Palma-IV/1	Jindal Strips Limited (Now Jindal Steel & Power Ltd.)	Chhattisgarh
6.	Gare-Palma-IV/5	Monet Ispat Ltd.	Chhattisgarh
7.	Chotia	Prakash Industries Ltd.	Chhattisgarh
8.	Gare-Palma-IV/7	Raipur Alloys & Steel Ltd. (Now Sarda Energy and Mineral Limited)	Chhattisgarh
9.	Parsa East	Rajasthan Rajya Vidyut Utpadan Nigam Ltd. (RRVUNL)	Chhattisgarh
10.	Kanta Basan	Rajasthan Rajya Vidyut Utpadan Nigam Ltd. (RRVUNL)	Chhattisgarh
11.	Parbatpur-Central	Electrosteel Castings Ltd.	Jharkhand
12.	Tokisud North	GVK Power (Govindwal Sahib) Ltd.	Jharkhand
13.	Pachwara Central	Punjab State Electricity Board	Jharkhand
14.	Kathautia	Usha Martin Ltd.	Jharkhand
15.	Pachwara North	West Bengal Power Development Corporation Limited (WBPDCL)	Jharkhand
16.	Gotitoria (East)	BLA Industries Ltd.	Madhya Pradesh
17.	Gotitoria (West)	BLA Industries Ltd.	Madhya Pradesh
18.	Mandla North	Jaipraskash Associates Ltd.	Madhya Pradesh
19.	Amelia (North)	Madhya Pradesh State Mining Corporation	Madhya Pradesh
20.	Bicharpur	Madhya Pradesh State Mining Corporation Ltd.(MPSMC)	Madhya Pradesh
21.	Sial Ghoghri	Prism Cement Limited	Madhya Pradesh
22.	Marki Mangli-I	B.S. Ispat Ltd.	Maharashtra
23.	Baranj-I	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
24.	Baranj-II	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
25.	Baranj-III	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
26.	Baranj-IV	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
27.	Kiloni	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
28.	Manora Deep	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
29.	Marki Mangli-II	Shree Veerangana Steels Limited	Maharashtra
30.	Marki Mangli-III	Shree Veerangana Steels Limited	Maharashtra
31.	Belgaon	Sunflag Iron & Steel Co. Ltd.	Maharashtra
32.	Talabira-I	Hindalco Industries Ltd.	Orissa
33.	Barjora (North)	Damodar Valley Corporation	West Bengal
34.	Kagra Joydev	Damodar Valley Corporation	West Bengal
35.	Sarisatolli	Calcutta Electricity Supply Corporation Ltd.	West Bengal
36.	Ardhagram	Sova Ispat Limited, Jai Balaji Sponge Ltd.	West Bengal
37.	Tara (West)	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal
38.	Gangaramchak	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/ Block Located
39.	Barjora	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal
40.	Gangaramchak-Bhadulia	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal
41.	Tara (East)	West Bengal State Electricity Board	West Bengal
42.	Trans Damodar	West Bengal Mineral Dev. & Trading Corp. Ltd.	West Bengal

SCHEDULE III

[*See* section 3(1)(r)]

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/ Block Located
1.	Durgapur-II/ Taraimar	Bharat Alluminium Company Ltd.	Chhattisgarh
2.	Durgapur-II /Sarya	DB Power Ltd.	Chhattisgarh
3.	Gare Pelma Sector III	Goa Industrial Development Corporation	Chhattisgarh
4.	Gare Palma IV/8	Jayaswal Neco Ltd.	Chhattisgarh
5.	Talaipali	National Thermal Power Ltd.	Chhattisgarh
6.	Chatti Bariatu	National Thermal Power Ltd.	Jharkhand
7.	Mahan	Essar Power Ltd., Hindalco Industries Ltd.	Madhya Pradesh
8.	Mandla South	Madhya Pradesh State Mining Corporation Ltd.	Madhya Pradesh
9.	Dongeri Tal-II	Madhya Pradesh State Mining Corporation Ltd. (MPSMC)	Madhya Pradesh
10.	Kosar Dongergaon	Chaman Metaliks Ltd.	Maharashtra
11.	Nerad Malegaon	Gupta Metallics & Power Ltd.,Gupta Coalfields & Washeries Ltd.	Maharashtra
12.	Marki Mangli-IV	Shree Veerangana Steel Limited	Maharashtra
13.	Jamkhani	Bhushan Ltd.	Orissa
14.	Utkal B 1	Jindal Steel & Power Ltd.	Orissa
15.	Utkal-B2	Monet Ispat Ltd.	Orissa
16.	Mandakini	Monet Ispat Energy Ltd., Jindal Photo Ltd.,Tata Power Company Ltd.	Orissa
17.	Utkal-C	Utkal Coal Ltd. (formerly ICCL)	Orissa
18.	Brinda	Abhijeet Infrastructure Pvt. Ltd.	Jharkhand
19.	Sasai	Abhijeet Infrastructure Pvt. Ltd.	Jharkhand
20.	Meral	Abhijeet Infrastructure Pvt. Ltd.	Jharkhand
21.	Moitra	Jayaswal Neco Ltd.	Jharkhand
22.	Jitpur	Jindal Steel & Power Ltd.	Jharkhand
23.	Rohne	JSW Steel Ltd., Bhushan Power & Steel Ltd., Jai Balaji Industries Ltd.	Jharkhand
24.	Dumri	Nilachal Iron & Power Ltd., Bajrang Ispat Pvt. Ltd.	Jharkhand
25.	Kerandari	National Thermal Power Ltd.	Jharkhand
26.	Sitanala	Steel Authority of India Ltd.	Jharkhand
27.	Ganeshpur	Tata Steel Ltd., Adhunik Thermal Energy	Jharkhand
28.	Badam	Tenughat Vidyut Nigam Limited	Jharkhand
29.	Tara	Chhattisgarh Mineral Development Corporation Ltd.	Chhattisgarh
30.	Lohari	Usha Martin Ltd.	Jharkhand
31.	Dulanga	National Thermal Power Corporation	Orissa
32.	Manoharpur	Orissa Power Generation Corporation	Orissa

SCHEDULE IV

(*See* section 28)

PART-A

THE COAL MINES (NATIONALISATION) ACT, 1973
(26 OF 1973)

Amendment of section 1A.

1. In the Coal Mines (Nationalisation) Act, 1973 (herein referred to as the principal Act), in sub-section (*1*) of section 1A, after the word and figure "section 3", the word, figure and letter ", section 3A" shall be inserted.

Insertion of new section 3A.

2. After section 3 of the principal Act, the following section shall be inserted, namely:—

Mining operation by company and others.

"3A. (*1*) Notwithstanding anything contained in this Act, any person being—

(*a*) a Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may, or any other company incorporated in India; or

(*b*) a company or a joint venture company formed by two or more companies,

may carry on coal mining operations in India, in any form either for own consumption, sale or for any other purpose in accordance with the prospecting licence or mining lease, as the case may be.

(*2*) The Central Government may, with a view to rationalise such coal mines so as to ensure the co-ordinated and scientific development and utilisation of coal resources consistent with the growing requirements of the country, from time to time, prescribe—

(*i*) the coal mines or coal bearing areas and their location;

(*ii*) the minimum size of the coal mine or coal bearing areas;

(*iii*) such other conditions,

which in the opinion of that Government may be necessary for the purpose of coal mining operations or mining for sale by a company.

Explanation.—For the purposes of this section, "company" means a company as defined in clause (*20*) of section 2 of the Companies Act, 2013." 18 of 2013.

Amendment of section 34.

3. In section 34 of the principal Act, in sub-section (*2*), after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) the coal mines or coal bearing areas and their location, the minimum size of the coal mine or coal bearing areas, and such other conditions which may be necessary for the purpose of coal mining operations including mining for sale by a company under sub-section (2) of section 3A.".

PART-B

THE MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT, 1957

(67 of 1957)

Substitution of new section for section 11A.

1. In the Mines and Minerals (Development and Regulation) Act, 1957 (herein referred to as the principal Act), for section 11A,the following section shall be substituted, namely:—

Granting of reconnaissance permit, prospecting licence or mining lease.

"11A. (1) Notwithstanding anything contained in this Act, the Central Government may, for the purpose of granting reconnaissance permit, prospecting licence or mining lease in respect of any area containing coal or lignite, select any of the following companies through auction by competitive bidding, on such terms and conditions as may be prescribed, namely:—

(*a*) a Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may, or any other company incorporated in India; or

(*b*) a company or a joint venture company formed by two or more companies,

may carry on coal mining operations in India, in any form either for own consumption, sale or for any other purpose in accordance with the permit, prospecting licence or mining lease, as the case may be.

(*2*) The Central Government may, with a view to rationalise coal and lignite mines referred to in sub-section (1), so as to ensure the co-ordinated and scientific development and utilisation of resources consistent with the growing requirements of the country, from time to time, prescribe—

(*i*) the details of mines and their location;

(*ii*) the minimum size of the such mines;

(*iii*) such other conditions,

which in the opinion of that Government may be necessary for the purpose of mining operations or mining for sale by a company.

(*3*) The State Government shall grant such reconnaissance permit, prospecting licence or mining lease in respect of any area containing coal or lignite to such company as selected through auction by competitive bidding or otherwise under this section:

Provided that the auction by competitive bidding under this section shall not be applicable to an area containing coal or lignite—

(*a*) where such area is considered for allocation to a Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may be;

(*b*) where such area is considered for allocation to a company or corporation or that has been awarded a power project on the basis of competitive bids for tariff (including Ultra Mega Power Projects).

Explanation.—For the purposes of this section, "company" means a company as defined in clause (20) of section 2 of the Companies Act, 2013."

18 of 2013.

Amendment of section 13.

3. In section 13 of the principal Act, in sub-section (*2*), for clause (d), the following clause shall be substituted, namely:—

"(*d*) the terms and conditions of auction by competitive bidding, the details of mines and their location, the minimum size of such mines and such other conditions which may be necessary for the purpose of coal mining operations including mining for sale by a company under sub-section (*1*) and sub-section (*2*) of section 11A.".

PRANAB MUKHERJEE,
President.

DR. SANJAY SINGH,
Secretary to the Govt. of India.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 24th October, 2014/*Kartika* 2, 1936 *(Saka)*

THE TEXTILE UNDERTAKINGS (NATIONALISATION) LAWS (AMENDMENT AND VALIDATION) ORDINANCE, 2014

No. 6 OF 2014

Promulgated by the President in the Sixty-fifth Year of the Republic of India.

An Ordinance further to amend the Sick Textile Undertakings (Nationalisation) Act, 1974 and the Textile Undertakings (Nationalisation) Act, 1995 in order to continue with the lease-hold rights vested in the National Textile Corporation on completion of the lease-hold tenure;

57 of 1974.
39 of 1995.

WHEREAS the National Textile Corporation subserves the interests of the general public and the land continue to be in possession of the said Corporation;

AND WHEREAS various other textile undertakings have been nationalised from time to time and their assets vested absolutely in the Central Government and thereafter transferred to the National Textile Corporation Limited by the Central Government free from all encumbrances;

AND WHEREAS after the nationalisation of the textile undertakings, a large sum of money have been invested with a view to making the said textile undertakings viable;

AND WHEREAS the Central Government has taken initiative to revive certain sick undertakings including the National Textile Corporation under a revival scheme sanctioned by the Board for Industrial and Financial Reconstruction under the Sick Industrial Companies (Special Provisions) Act, 1985; 1 of 1986.

AND WHEREAS it is necessary for the proper and effective implementation of the revival scheme and to protect the public investment in the acquired textile undertakings and to explicitly clarify the status of such vesting of the lease-hold rights in the Central Government;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Ordinance may be called the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014.

(*2*) It shall come into force at once.

CHAPTER II

AMENDMENT TO THE SICK TEXTILE UNDERTAKINGS (NATIONALISATION) ACT, 1974

Amendment of section 3.

2. On and from the date of commencement of the Sick Textile Undertakings (Nationalisation) Act. 1974, (hereafter in this Chapter referred to as the principal Act), in section 3 after sub-section (*2*), the following sub-sections shall be inserted and shall be deemed to have been inserted, namely:— 57 of 1974.

"(*3*) Notwithstanding the transfer and vesting of any sick textile undertaking to the National Textile Corporation by virtue of sub-section (*2*), the lease-hold rights of the sick textile undertakings shall continue to remain vested in the Central Government on payment of lease-hold rents and shall be discharged, for and on behalf of that Government, by the National Textile Corporation as and when payment of such lease-hold rents or any amount becomes due and payable.

(*4*) Subject to sub-section (*3*), no court shall have jurisdiction to order divestment from the National Textile Corporation of the property vested in it by the Central Government.".

Amendment of section 4.

3. On and from the date of commencement of the principal Act, in section 4, after sub-section (*7*), the following sub-sections shall be inserted and shall be deemed to have been inserted, namely:—

"(*8*) Notwithstanding the fact that the textile operations have been discontinued in any sick textile undertaking being revived, shall for all effects and purposes be deemed that the textile operations are being continued and no suit or proceeding shall be instituted or if instituted be maintainable against the National Textile Corporation on the ground that it has discontinued such activity in the sick textile undertaking.

(*9*) For the removal of doubts, it is hereby declared that the continued deemed vesting of the lease-hold land in the Central Government shall not affect, impair or in any manner prejudice the rights of the National Textile Corporation to prosecute or defend any proceedings as a subsequent vestee in respect of any such lease-hold rights and no such proceedings shall fail only on account of the non impleadment of that Government.".

Insertion of new section 41.

4. After section 40 of the principal Act, the following section shall section be inserted, namely:—

Validation.

"41. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,—

(*a*) the provisions of this Act, as amended by the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014, shall have and shall be deemed always to have effect for all purposes as if the provisions of this Act, as amended by the said Ordinance, had been in force at all material times;

(*b*) any lease-hold property divested from the National Textile Corporation to any person under the provisions of this Act, as it stood immediately before the commencement of the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014, shall stand transferred to and vest or continue to vest, free from all encumbrances, in the National Textile Corporation in the same manner as it was vested in the National Textile Corporation before such divesting of that property under the provisions of this Act, as if the provisions of this Act as amended by the aforesaid Ordinance, were in force at all material times;

(*c*) no suit or other proceedings shall, without prejudice to the generality of the foregoing provisions, be maintained or continued in any court or tribunal or authority for the enforcement of any decree or order or direction given by such court or tribunal or authority, notwithstanding any undertaking filed by the National Textile Corporation in any court or tribunal or authority, directing divestment of such lease-hold property from the National Textile Corporation vested in it under section 3 of this Act, as it stood before the commencement of the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014, and such lease-hold property shall continue to vest in the National Textile Corporation under section 3 of this Act as amended by the aforesaid Ordinance, as if the said section was in force at all material times;

(*d*) any transfer of any property, vested in the National Textile Corporation, by virtue of any order of attachment, seizure or sale in execution of a decree of a civil court or orders of any tribunal or other authority in respect of lease-hold property vested in the National Textile Corporation which is contrary to the provisions of this Act, as amended by the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014, shall be deemed to be null and void and notwithstanding such transfer, continue to vest in the National Textile Corporation under this Ordinance.".

CHAPTER III

AMENDMENTS TO THE TEXTILE UNDERTAKINGS (NATIONALISATION) ACT, 1995

Amendment of section 3.

39 of 1995.

5. On and from the date of commencement of the Textile Undertakings (Nationalisation) Act, 1995 (hereafter in this Chapter referred to as the principal Act), in section 3, after sub-section (*2*), the following sub-sections shall be inserted and shall be deemed to have been inserted, namely:—

"(*3*) Notwithstanding the transfer and vesting of any textile undertaking to the National Textile Corporation by virtue of sub-section (*2*), the lease-hold rights of the textile undertakings shall continue to remain vested in the Central Government on payment of lease-hold rents and shall be discharged, for and on behalf of that Government, by the National Textile Corporation as and when payment of such lease-hold rents or any amount becomes due and payable.

(*4*) Subject to sub-section (*3*), no court shall have jurisdiction to order divestment from the National Textile Corporation of the property vested in it by the Central Government.".

Amendment of section 4.

6. On and from the date of commencement of the principal Act, in section 4, after sub-section (*7*), the following sub-sections shall be inserted and shall be deemed to have been inserted, namely:—

"(*8*) Notwithstanding the fact that the textile operations have been discontinued in any textile undertaking being revived, shall for all effects and purposes shall be deemed that the textile operations are being continued and no suit or proceeding shall be instituted or if instituted be maintainable against the National Textile Corporation on the ground that it has discontinued such activity in the textile undertaking.

(*9*) For the removal of doubts, it is hereby declared that the continued deemed vesting of the lease-hold land in the Central Government shall not affect, impair or in any manner prejudice the rights of the National Textile Corporation to prosecute or defend any proceedings as a subsequent vestee in respect of any such lease-hold rights and no such proceedings shall fail only on account of the non-impleadment of that Government.".

Insertion of new section 39.

7. After section 38 of the principal Act, the following section shall be inserted, namely:—

Validation.

"39. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,—

(*a*) the provisions of this Act, as amended by the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014, shall have and shall be deemed always to have effect for all purposes as if the provisions of this Act, as amended by the said Ordinance, had been in force at all material times;

(*b*) any lease-hold property divested from the National Textile Corporation to any person under the provisions of this Act, as it stood immediately before the commencement of the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014, shall stand transferred to and vest or continue to vest, free from all encumbrances, in the National Textile Corporation in the same manner as it was vested in the National Textile Corporation before such divesting of that property under the provisions of this Act as if the provisions of this Act, as amended by the aforesaid Ordinance, were in force at all material times;

(*c*) no suit or other proceedings shall, without prejudice to the generality of the foregoing provisions, be maintained or continued in any court or tribunal or authority for the enforcement of any decree or order or direction given by such court or tribunal or authority, notwithstanding any undertaking filed by the National Textile Corporation in any court or tribunal or authority, directing divestment of such lease-hold property from the National Textile Corporation vested in it under section 3 of this Act, as it stood before the commencement of the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014, and such lease-hold property shall continue to vest in the National Textile Corporation under section 3 of this Act, as amended by the aforesaid Ordinance, as if the said section was in force at all material times;

(*d*) any transfer of any property, vested in the National Textile Corporation, by virtue of any order of attachment, seizure or sale in execution of a decree of a civil court or orders of any tribunal or other authority in respect of lease-hold property vested in the National Textile Corporation which is contrary to the

provisions of this Act, as amended by the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014, shall be deemed to be null and void and notwithstanding such transfer, continue to vest in the National Textile Corporation under this Ordinance.".

PRANAB MUKHERJEE,
President.

DR. SANJAY SINGH,
Secretary to the Govt. of India.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय मुद्रणालय, रायपुर से मुद्रित तथा प्रकाशित - 2014.